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**OFFICE OF PETITIONS**

In re Application of  
Joseph A. Abys, et. al.  
Application No. 09/887,827  
Filed: June 22, 2001  
Attorney Docket No. Abys 52-14-6-6

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 18, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 17, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight October 17, 2002.

The petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$930 extension of time submitted with the petition on June 18, 2003, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being forwarded to Technology Center 2800, for consideration of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

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for Patent Examination Policy